

Attorney Docket No.: 60063-0028

Patent

AUG 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Scott Banister, et al.

Confirmation No.: 6992

Application No.: 10/717,441

Group Art Unit: 2681

Filed: November 18, 2003

Examiner: NYA

Title: ELECTRONIC MESSAGE DELIVERY  
WITH ESTIMATION APPROACHES

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a Notice to File Missing Parts of Application under 37 CFR 1.53(f). Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

(X) Executed Declaration and Power of Attorney. The above-identified application is the same application which the inventors executed by signing the enclosed declaration. *Two of three named inventors signed the Declaration and Power of Attorney. A Petition to Accept Application under 37 CFR 1.47(a) is filed concurrently herewith.*

(X) Statutory basic filing fee (X) Utility--\$770.00 ( ) Design  
(X) Additional claim fees of \$2,260.00  
(X) Missing Parts Surcharge = \$130.00  
(X) An Extension of Time for reply to Notice of Missing Parts is hereby requested and the below checked fee is enclosed.  
( ) one month = \$110.00  
( ) two months = \$420.00  
( ) three months = \$950.00  
(X) four months = \$1,480.00  
(X) A Petition to Accept Application Under 37 C.F.R. §1.47(a) fee = \$130.00

BANISTER, Ser. No. 10/717,441, GAU 2173, Examiner Not Yet Assigned  
RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

A law firm check for \$4,770.00 is enclosed. If the fee is missing or insufficient in whole or in part, and throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: August 12, 2004

Typed Name: Teresa Austin

Signature: Teresa Austin

Respectfully submitted,

By Christopher J. Palermo  
Christopher J. Palermo

Reg. No. 42,056

Date: August 12, 2004

Telephone No.: (408) 414-1080x202

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1600 Willow Street

San Jose, California 95125-5106



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AUG 16 2004

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/717,441	11/18/2003	Scott Banister	60063-0028

29989  
HICKMAN PALERMO TRUONG & BECKER, LLP  
1600 WILLOW STREET  
SAN JOSE, CA 95125

CONFIRMATION NO. 6992  
FORMALITIES LETTER



\*OC000000011916880\*

Date Mailed: 02/19/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1130** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1580** for a Small Entity

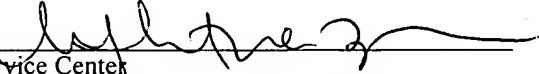
• \$385 Statutory basic filing fee.	08/17/2004 MAHMED1 00000067 10717441
• \$65 Late oath or declaration Surcharge.	01 FC:1001 770.00 OP
	02 FC:1051 130.00 OP
	03 FC:1201 602.00 OP
	04 FC:1202 1368.00 OP
• Total additional claim fee(s) for this application is \$1130	05 FC:1203 290.00 OP

- **\$301** for **7** independent claims over **3**.
- **\$684** for **76** total claims over **20**.
- **\$145** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE